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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,835	11/01/2001	Howard L. Danzyger	36/1058	7646

7590 04/19/2005

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EXAMINER	
SHENG, TOM V	

ART UNIT	PAPER NUMBER
2673	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,835	DANZYGER ET AL.	
	Examiner	Art Unit	
	Tom V Sheng	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *4-12* is/are allowed.

6)☒ Claim(s) *1-3,13-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillick et al. (US 5,530,455).

As for claim 1, Gillick teaches a graphical display scrolling system (figure 7) comprising:

an apparatus for displaying viewable elements (figure 3; for example, pie chart 28) of a graphical display (screen E; column 3, lines 47-55);

an input device (figure 1; mouse 10) having a rotatable element (roller 24) connected with the apparatus (column 3, lines 14-18), wherein rotation of the rotatable element causes the viewable elements of the graphical display to scroll at a rate that is constant and independent of the rate of rotation of the rotatable element (a "power" scrolling function wherein scrolling continues at a constant rate; column 5, lines 1-18).

As for claim 2, Gillick's roller 24 is considered a scroll wheel.

As for claim 3, Gillick teaches the possibility of using a trackball as well because of the extra degree of freedom it offers (column 2, lines 39-48).

As for claim 13, Gillick teaches that the roller generates a motion signal that activates scrolling (column 3, lines 23-25). Specifically, an optical encoder disk 45 of the roller 24 generates the motion signal (fig. 5 and 6; column 3, line 56 through column 4, line 5). The optical encoder disk 45 corresponds to claimed motion signal generator.

As for claim 14, Gillick teaches that mouse 10 generates data portion 55 representing the roller motion as Z movement, pitch movement, roll movement and yaw movement (fig. 7; column 4, lines 6-17). The provision of data portion 55 inherently involves an interpretation of the roller motion signal. Correspondingly, a motion signal interpreter is inherently required.

As for claim 15, Gillick teaches a mouse driver software 57 and specifically an associated event decoder 63 that corresponds to claimed software driver (column 4, lines 18-37).

Allowable Subject Matter

3. Claims 4-12 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: none of the prior arts teaches the limitations regarding the motion signal generator, the motion signal interpreter, and the software driver that results in a constant scrolling rate when the rotatable element is rotated, as recited in claim 4, and the limitations regarding the motion signal generator and the motion signal interpreter that results in a constant scrolling rate when the rotatable element is rotated, as recited

in claim 10. Claims 5-9 are dependent on claim 4 and claims 11-12 are dependent on claim 10.

Response to Arguments

5. Applicant's arguments filed on 12/29/2004 have been fully considered but they are not persuasive.

Regarding claims 1-3, the applicant(s) argues that Gillick et al. generally references a power scrolling function where "even after the roller stops, scrolling continues at a constant rate until a terminating event occurs.", which does not provide an accurate representation of the "Power Scrolling" mode of Gillick et al. In context with the whole disclosure, the scroll rate is not constant and independent of the rotation of the roller wheel.

The Examiner disagrees. Even though the scrolling speed of Gillick et al. does in general depend on the rotational rate of the roller, but during the power scrolling mode as the roller has stopped from rolling, scrolling does occur at a constant rate even when the roller is not being rotated. This reads on the broadly claimed scrolling at a rate constant and independent of the rate of rotation of the rotatable element.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom V Sheng whose telephone number is (571) 272-7684. The examiner can normally be reached on 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Sheng
April 5, 2005

Amare Mengistu
Primary Examiner